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FORT LAUDERDALE CITY COMMISSION  
APRIL 17, 2001**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
APRIL 17, 2001**

Meeting was called to order at 6:16 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Commissioner Gloria Katz  
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sgt. Rousseau

Invocation was offered by *Chaplain Rick Braswell*, Police Department

Pledge of Allegiance to the Flag.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the meeting as shown below be approved:

April 5, 2001

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle.  
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

**Presentations** ..... (OB)

1. Expressions of Sympathy

Mayor Naugle presented an Expression of Sympathy, on behalf of the City Commission, to the family of *Mr. Tommy Mercer*. Commissioner Moore also offered an Expression of Sympathy to the family of *Leon*, who had drowned at Mills Pond Park.

2. Community Appearance Board's WOW Award

Commissioner Katz presented the Community Appearance Board's WOW Award to:

*David & Judy Bones*  
1149 Seminole Drive  
Coral Ridge

She stated that the house had been built in 1950 and, although extensively remodeled and extended in 1998, it retained the same structural character with features such as the high arched timber ceilings of that period. Landscaping had been professionally installed in 2000 and featured a number of palms and other complimentary plant material. Commissioner Katz presented Mr. and Mrs. Bones' representative with the Award and a gift certificate from Causeway Lumber.

3. Citizen Volunteer Corps (CVC)

Commissioner Smith presented plaques and certificates of appreciation to the sponsors and individuals who had assisted with the CVC project to paint a wall on Sunrise Boulevard at I-95 last weekend. He stated that a ¼-mile mural had been painted, and he presented a video of this massive community effort. Commissioner Smith recognized the members of the CVC who were present, as well as those who had contributed financially to the project.

4. "Arbor Day"

Commissioner Moore read aloud and presented a proclamation declaring April 27, 2001 as "Arbor Day" in the City of Fort Lauderdale. Mr. Phil Thornburg, Acting Director, accepted the proclamation on behalf of the Parks & Recreation Department. He invited everyone to the Arbor Day celebration on April 27, 2001 at 10:00 a.m. at Cooley Hammock Park, when a ceremonial tree would be planted, and trees would be given away. Mr. Thornburg also announced that the annual March for Parks was scheduled for April 28, 2001 at 8:30 a.m. on the beach to celebrate trees and parks.

5. "Recall Round-Up Day"

Commissioner Hutchinson read aloud and presented a proclamation declaring April 17, 2001 as "Recall Round-Up Day" in the City of Fort Lauderdale. She stated that unintentional injuries due to consumer products killed more children than any disease, and some 288 products had been recalled in 2000 by the Consumer Product Safety Commission. Lieutenant Jorge Mederos and Assistant Fire Marshal Chris Weir, accepted the proclamation on behalf of the Fire-Rescue Department, and encouraged all citizens to properly dispose of unsafe products at designated drop off sites. Assistant Fire Marshal Weir advised that a video was available with the sites where hazardous items could be dropped off, particularly electrical appliances, and additional information was available on the Internet at [www.CPSC.gov](http://www.CPSC.gov).

6. Children of the Seventh Day Adventist Church

The City Clerk introduced the children from the Seventh Day Adventist Church School, who were present to observe the proceedings. They performed a song.

7. YMCA of the USA

Commissioner Katz presented the YMCA of the USA plaque to the City Commission, on behalf of the YMCA and the International Swimming Hall of Fame (ISHOF), awarded in appreciation of the City's and the ISHOF's hosting of the YMCA Swimming and Diving Championships for the past 23 years. She had attended the event along with swimmers from all over the country. *Dr. Sam Freas*, President of the ISHOF, stated that Commissioner Katz had promised good weather, and the weather had been the best ever. He explained that the award had come from the athletes of the YMCA in appreciation to the City and its excellent staff.

8. Water Restrictions

Mayor Naugle stated that the City of Fort Lauderdale continued to face severe drought conditions, and all residents were asked to "turn it off!" He advised that Phase 2 water restrictions were still in effect and limited lawn watering and car washing to 2 days per week, and spot watering from 5 to 7 p.m. except on Fridays. In an effort to conserve as much water as possible, Mayor Naugle urged citizens to consider watering only once each week and washing vehicles only when necessary. He also provided some water conservation tips.

**Consent Agenda ..... (CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Bud Light Beach Volleyball Series ..... (M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **New River Rollers** to indemnify, protect, and hold harmless the City from any liability in connection with the **Bud Light Beach Volleyball Series** to be held **Saturday and Sunday, June 9 and 10, 2001 from 9:00 a.m. to 6:00 p.m.** in South Beach.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-539 from City Manager.

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**Event Agreement – Great Strides ..... (M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Cystic Fibrosis Foundation** to indemnify, protect, and hold harmless the City from any liability in connection with **Great Strides** to be held **Saturday, May 19, 2001 from 8:30 a.m. to 12:00 noon at Esplanade Park.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-540 from City Manager.

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**Event Agreement – The Riverwalk Tribute Dinner ..... (M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Riverwalk Fort Lauderdale Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with **The Riverwalk Tribute Dinner** to be held **Friday, April 27, 2001 from 6:30 p.m. to 11:00 p.m.** at the River House on Riverwalk.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-541 from City Manager.

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**Event Agreement – Lenny’s Second Annual Inline Skating Challenge..... (M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Partners In Action (d/b/a The Kids Ecology Corps)** to indemnify, protect, and hold harmless the City from any liability in connection with **Lenny’s Second Annual Inline Skating Challenge** to be held **from 6:30 a.m. Sunday, April 22, 2001 to 6:30 a.m. Monday, April 23, 2001** at the Broward County Library at Holiday Park.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-542 from City Manager.

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**Agreements –Assistant Tennis Instructors – Steve Kennedy, Tom Krukiel, Fitzroy House, Phil Milford, Peter Popov, and Jack Cooper ..... (M-5)**

A motion authorizing the proper City officials to execute agreements with Steve Kennedy, Tom Krukiel, Fitzroy House, Phil Milford, Peter Popov, and Jack Cooper to serve as Assistant Tennis Instructors.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-395 from City Manager.

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**Amendment to Office Lease Agreement – Azorra Properties, Inc. Marine Facilities Office – 408 South Andrews Avenue ..... (M-6)**

A motion authorizing the proper City officials to execute an amendment to the lease agreement with Azorra Properties, Inc. for office space for the Marine Facilities Office located at 408 South Andrews Avenue, to extend the term from May 1, 2001 through April 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-529 from City Manager.

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**Donation of Boat – Sergeant Todd Peney – Police Dive Team ..... (M-7)**

A motion authorizing the acceptance of a donation of a 1977 23-foot Mako boat from Sergeant Todd Peney to the Police Dive Team.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-455 from City Manager.

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**Task Order No. 8 – Kimley-Horn and Associates –  
Executive Airport Security and Airfield Access Study ..... (M-8)**

A motion authorizing the proper City officials to execute Task Order No. 8 with Kimley-Horn and Associates in the amount of \$89,850 to conduct a study to evaluate the security and airfield access at Executive Airport and prepare a report to recommend improvements with cost estimates for such facilities.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-545 from City Manager.

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**Task Order No. 9 –  
Kimley-Horn and Associates – Executive Airport Signage Plan ..... (M-9)**

A motion authorizing the proper City officials to execute Task Order No. 9 with Kimley-Horn and Associates in the amount of \$28,150 to conduct a study to evaluate Executive Airport directory signs and prepare a report to recommend improvements.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-546 from City Manager.

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**Contract Award – Tarafa Construction, Inc. – Project 9957 –  
Fire-Rescue Administration Building/Replacement Fire Station No. 2 ..... (M-10)**

A motion authorizing the proper City officials to execute an agreement with Tarafa Construction, Inc. in the amount of \$5,370,000 to provide design/build services for the construction of the Fire-Rescue Administration Building/Replacement Fire Station No. 2.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-323 from City Manager.

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**Contract Award – Majestic Group Enterprises, Inc. -  
Project 10168 – Lauderdale Manors Swale Improvements, Phase II ..... (M-11)**

A motion authorizing the proper City officials to execute an agreement with Majestic Group Enterprises, Inc. in the amount of \$339,122.27 for the Lauderdale Manors Swale Improvements, Phase II.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-486 from City Manager.

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**Contract Award – AKA Services, Inc. –  
Project 10339 – Executive Airport Utilities Extension ..... (M-12)**

A motion authorizing the proper City officials to execute an agreement with AKA Services, Inc. in the amount of \$232,598 for the Executive Airport utilities extension project.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-490 from City Manager.

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**Membership Dues –  
Florida Water Environment Association (FWEA) Utility Council ..... (M-13)**

A motion authorizing the renewal of membership to the FWEA Utility Council for a total cost of \$32,250.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-553 from City Manager.

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**Change Order No. 1 – Youngquist Brothers, Inc. –  
Project 10235 – Fiveash Well Abandonment and Relocation ..... (M-14)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Youngquist Brothers, Inc. in the amount of \$49,400 for work associated with the Fiveash well abandonment and relocation project.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-526 from City Manager.

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**Change Order No. 3 – Jurado Construction and Dinipex, Inc. –  
Project 9419-A – Las Olas Municipal Marina – Parking Under Bridge ..... (M-15)**

A motion authorizing the proper City officials to execute Change Order No. 3 with Jurado Construction and Dinipex, Inc. in the amount of \$33,272.30 for the Las Olas Municipal Marina parking under bridge project.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-489 from City Manager.

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**Task Order No. 1 – Hazen and Sawyer –  
Project 9918 – Production Well Abandonment and Relocation,  
Pumping and Transmission System Design – Prospect Wellfield ..... (M-16)**

A motion authorizing the proper City officials to execute Task Order No. 1 with Hazen and Sawyer in the amount of \$47,400 for the Production Well Abandonment and Relocation, Pumping and Transmission System Design at the Prospect Wellfield.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-527 from City Manager.

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**Amendment to Task Order – Recreational Design and  
Construction, Inc. - Project 10247 – N.E. 33 Avenue/Dolphin Isles Improvements .... (M-17)**

A motion authorizing the proper City officials to execute an amendment to the task order with Recreational Design and Construction, Inc. in the amount of \$13,500 for additional design services for the N.E. 33 Avenue (between N.E. 19 Street and N.E. 29 Street)/Dolphin Isles Improvements project.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-494 from City Manager.

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**Transfer of General Fund Contingencies and  
Agreement – Florida Department of Transportation (FDOT) –  
Purchase of Surplus Property – State Road 7 and Davie Boulevard ..... (M-18)**

A motion authorizing the proper City officials to execute an agreement with FDOT for the purchase of surplus property along State Road 7 and Davie Boulevard in the amount of \$35,000; and further authorizing the transfer of \$35,000 from General Fund Contingencies to P10364.331 (Davie Boulevard and State Road 7 Surplus Property Acquisition) to pay for such property.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-493 from City Manager.

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**Amendment to Agreement – GSE Development  
Company – Project 9710 – Water Main Mass Replacement ..... (M-19)**

A motion authorizing the proper City officials to execute an amendment to the agreement with GSE Development Company in the amount of \$158,336 for additional water main replacements in Croissant Park, Sailboat Bend, and Sunset neighborhoods, and the deletion of work in the State Road A-1-A/Finger Isles neighborhood.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-485 from City Manager.

<b>PURCHASING AGENDA</b>
--------------------------

**Sale 119-8479 – Confiscated/surplus vehicle auction ..... (Pur-1)**

Prior approval of sale for any item that exceeds \$25,000 at the confiscated/surplus vehicle and equipment auction by the Administrative Services, Fleet Services Division.

Bids Solicited/Rec'd: N/A

Exhibits: Exhibit A, list of confiscated/surplus vehicles

The Purchasing Division recommends approval to hold a public auction sale on May 16, 2001.

**Bid 592-8062 – Increase expenditure for telephone and data wiring ..... (Pur-2)**

An agreement to increase expenditure for telephone and data wiring services is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidders: Telecom Engineering Consultants, Inc.  
Miami, FL

Amount: \$ 12,282.00

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 01-521 from City Manager

The Purchasing Division recommends the increase in expenditure.

**Bid 512-8440 – Five year contract for records storage services ..... (Pur-3)**

A five year contract for records storage and retrieval services is being presented for approval by the Administrative Services, Central Services Division.

Low Responsible Bidders: Sterling Records Management (WBE)  
Boynton Beach, FL  
Amount: \$ 35,825.00 (estimated annual)  
Bids Solicited/Rec'd: 40/6 with 4 no bids  
Exhibits: Memorandum No. 01-449 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidder.

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**State Contract – Recycled copy paper ..... (Pur-4)**

An agreement to purchase recycled copy paper is being presented for approval by the Administrative Services, Central Stores Division.

Low Responsible Bidders: Unisource Worldwide, Inc.  
Jacksonville, FL  
Amount: \$ 55,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-550 from City Manager

The Purchasing Division recommends award from the Florida State Contract.

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**St. Petersburg Contract – Purchase of firefighting foam ..... (Pur-5)**

An agreement to purchase firefighting foam for fire engines is being presented for approval by the Fire-Rescue Department.

Low Responsible Bidders: Elite Fire and Safety Equipment  
Naples, FL  
Amount: \$ 28,600.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-505 from City Manager

The Purchasing Division recommends award from the City of St. Petersburg Contract.

**Co-Op B-01-15 – Contract for Horticultural Chemicals ..... (Pur-6)**

One year contract for horticultural chemicals is being presented for approval by the Parks and Recreation Department.

Low Responsible Bidders:       United Horticultural Supply  
  Delray Beach, FL  
  Argo Distribution  
  Plant City, FL  
  Atlantic FL East Coast Chemical  
  Homestead, FL  
  **Lesco, Inc.**  
  Strongsville, OH  
  Helena Chemical Company  
  Tampa, FL  
  Van Waters & Rogers  
  Miami, FL  
  Regal Chemical  
  Alpharetta, GA  
  UAP Timberland  
  Gainesville, FL  
  
Amount:                             \$ 42,598.34 (estimated)  
Bids Solicited/Rec'd:         12/8  
Exhibits:                          Memorandum No. 01-510 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidders.

---

**Proprietary Purchase – Driving Training Simulator ..... (Pur-7)**

An agreement to purchase a driver training simulator is being presented for approval by the Police Department.

Low Responsible Bidder:       GE-ISIM LLC  
  Salt Lake City, UT  
  
Amount:                             \$ 94,000.00  
Bids Solicited/Rec'd:         7/2  
Exhibits:                          Memorandum No. 01-222 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidder with the transfer of \$4,000 from LETF Account 107 to GLLEBG02. (The remaining \$90,000 will be allocated from the Local Law Enforcement Block Grant.)

**Proprietary Purchase – Purchase of video editing system ..... (Pur-8)**

An agreement to purchase a video editing system is being presented for approval by the Police Department.

Low Responsible Bidder: Profile East, Inc.  
Orlando, FL  
Amount: \$66,418.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-500 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Proprietary Purchase – Purchase of gas chromatograph system ..... (Pur-9)**

An agreement to purchase a gas chromatograph system is being presented for approval by the Public Services Department.

Low Responsible Bidder: Varian, Inc.  
Walnut Creek, CA  
Amount: \$58,336.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-525 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Broward County Contract – Purchase of laptops and GPS ..... (Pur-10)**

An agreement to purchase (50) CF27 laptops and (16) VRM/GPS with computer mount for Police vehicles is being presented for approval by the Police Department.

Low Responsible Bidders: Motorola, Inc.  
Fort Lauderdale, FL  
Amount: \$ 313,555.16  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-552 from City Manager

The Purchasing Division recommends award from the Broward County Contract.

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**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item Nos. M-6, M-8, M-9, M-10, M-11, M-15, M-18, Pur. 3, and Pur. 6 deleted from the Consent Agenda and considered separately, and that the remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amendment to Office Lease Agreement – Azorra Properties, Inc. –  
Marine Facilities Office, 408 South Andrews Avenue ..... (M-6)**

Commissioner Katz inquired about any other options for this office space. Mr. Jamie Hart, Supervisor of Marine Facilities, stated that staff had searched for other options every year, but the Marine Facilities office had been in this location for 30 years. He had not found a more affordable location on the waterfront. Mr. Hart noted that the clientele knew the location, and other space would cost \$3 to \$8 more per square foot.

Commissioner Katz asked if this space could be leased on a month-to-month basis while staff examined prices and presented a report. Mr. Chuck Adams, Economic Development, stated that this annual lease contained a 60-day cancellation clause. He advised that he had been contacted today by the leasing agent for 1 River Plaza, which was another space staff had been looking into. Mr. Adams said there was space available for \$24 per square foot. Although there would be negotiations, he did not think it would be reduced to the same level as the existing space. Further, it would be upper floor space rather than ground floor space that was easily accessible to the boaters. He advised that staff could investigate further, but he was not optimistic about finding less expensive space that fit the needs of the Marine Facilities office.

Commissioner Katz said she would appreciate it if staff would continue to look for other space. She noticed the rent was being raised, and some additional space was necessary, for a total cost of about \$1,500 per month. Mr. Adams advised that he would be happy to look for an alternative.

Mayor Naugle stated that he could support this lease with the 60-day cancellation clause. However, he did not want to increase the amount of space now because that would eliminate any incentive to seek other space. Commissioner Moore said he would be the first to support the City using its own space rather than leasing it, but he believed the function of this office had a lot to do with its location. Mr. Adams replied the location had everything to do with the operation. Commissioner Moore did not think staff would be making the request for additional space if it was not necessary, and he supported the item as recommended.

Mr. Adams stated that the additional space was to move his office into this location, and a previous opportunity for space had been lost, leaving only this space. He explained that the extra 220 square feet would accommodate his office, and his secretary would have to work downstairs full time, and there was no conference room in this space as there had been in the other space. Therefore, space would still be short, but the extra 220 square feet would help. Mayor Naugle understood that even if the additional space was not accepted, staff still recommended renewal of the lease for the existing space.

**Motion** made by Commissioner Katz and seconded by Commissioner Smith to approve Consent Agenda Item No. M-6 as amended to omit the additional space. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

**Task Order No. 8 – Kimley-Horn & Associates –  
Executive Airport Security and Airfield Access Study ..... (M-8)**

Commissioner Moore asked what impact there would be to table this item and the next to the May 15, 2001 meeting. Mr. Bill Crouch, Airport Manager, stated that this item was critical to the runway incursion action plan. He advised that a commitment had been made to the Federal Aviation Administration (FAA) that a study would be completed by the end of September in order to get in line for grant funding in a cycle starting on October 1, 2001. Mr. Crouch added that the next item was not subject to the same restriction.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-8 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

**Task Order No. 9 – Kimley-Horn & Associates –  
Executive Airport Signage Plan ..... (M-9)**

**Motion** made by Commissioner Moore and seconded by Commissioner Katz to defer Item No. M-9 to 6:00 p.m. on May 15, 2001. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Contract Award – Tarafa Construction, Inc. –  
Project 9957 – Fire-Rescue Administration Building/  
Replacement Fire Station No. 2 ..... (M-10)**

Commissioner Katz noticed that \$785,000 was being taken from the Lincoln Park School Fund to pay for part of this project. She recalled that the One-Stop Shop at Lincoln Park would cost \$1 million, so she wondered why money was being taken from this fund when it would be needed. Mr. Pete Sheridan, City Engineer, said staff had known there would be a shortfall with the One-Stop Shop in any case, and there had been a discussion about assembling these funds in order to move this project forward. He explained that this would use almost all the money for the remodeling job at Lincoln Park now that remodeling was no longer being considered, but other monies would have to be identified for the new One-Stop Shop.

Commissioner Katz did not understand why a large amount was being taken from the Lincoln Park fund, while over a million dollars would be necessary for the One-Stop Shop. Mr. Pete Witschen, Assistant City Manager, stated that the cost of the project would be about \$4.2 million, and staff had committed to bringing back a better plan in July. One alternative was to borrow money from the Sunshine State pool, with cost recovery through lease or build-out of the current One-Stop Shop location. Commissioner Katz thought this sounded like an extra step, but she would not object.

Commissioner Katz asked if this contract had a maximum. Mr. Sheridan replied that this was a design-build contract for the scope of services outlined. He would not characterize it as a guaranteed, maximum price, but it was a locked in price for the design and the construction with some cost-saving elements.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-10 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.



Mayor Naugle wanted everyone to know there was a house on this site with wood floors and a fireplace, and the City Commission was offering it to anyone along with \$5,000 if they wanted to relocate it. He hoped the local news media would publicize the availability of this house for relocation elsewhere within the City, and he asked the Public Information Office to publicize the offer.

**Contract Award – Majestic Group Enterprises, Inc. –  
Project 10168 – Lauderdale Manors Swale Improvements, Phase II ..... (M-11)**

Commissioner Katz asked if this was going to be dug up now for swale improvements and then again later for sewer improvements. Mr. Mike Fayyaz, Engineering Division, explained that the intent was to do the swale now because the community had been waiting for it for a couple of years. He advised that the sewer project would involve the roadways, although there would be some damage to the swales.

Commissioner Moore inquired about the timeline for the sewer project if it was approved this evening. Mr. Greg Kisela, Assistant City Manager, thought the design could start in October and take 12 to 18 months, followed by another 12 to 18 months for construction. Therefore, it would take more than 3 years before the sewer project was completed in Lauderdale Manors.

Commissioner Smith asked about the funding for the swale improvements. Mr. Fayyaz stated that the Storm Sewer Fund would provide about \$55,000 for the swale portion, and the rest of the money would be coming from Community Development Block Grant monies.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-11 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Change Order No. 3 – Jurado Construction and  
Dinipex, Inc. – Project 9419A – Las Olas  
Municipal Marina – Parking Under Bridge ..... (M-15)**

Commissioner Smith was troubled with this item and thought it appeared the situation had not been managed well. He inquired about the total cost before the change orders. Mr. Pete Sheridan, City Engineer, stated that the original contract amount had been \$149,528. Commissioner Smith could not support this with \$34,000 worth of change orders. He noted, for example, that removal of 3 palm trees had cost \$1,000, and that seemed like an outrageous figure. In addition, temporary paving had been done for the Boat Show for \$10,000, while people could have just parked on dirt. He intended to vote against this item.

Mr. Sheridan stated that the paving had been done at Las Olas Circle in order to accommodate access to the parking area for the Boat Show. Insofar as the palm trees, he advised that the idea had been to improve the layout. He advised that this had been a negotiated change order, and the contractor had wanted more. Staff did not believe the amount could be negotiated any further downward for time and materials. Commissioner Smith asked why the City's tree crew had not done that work, and Mr. Sheridan replied that whenever there was a contracted project, the site was the responsibility of the contractor. He explained that when a City crew went in, there were issues of scheduling, etc.

Commissioner Smith pointed out that there were about 25% of the contract amount in change orders, and he thought the City should send a different message. He felt this project had the appearance of squandered resources.

Commissioner Hutchinson asked how much the Boat Show had paid to lease the marina. There was no one present with this information. Commissioner Hutchinson assumed the contractor had brought in a subcontractor to remove the trees, so she imagined the City could have done the same. Mr. Sheridan replied it could have been done if the work could have been coordinated with the contractor in a timely fashion.

Commissioner Moore asked if there would be litigation if this change order were not approved. Mr. Sheridan stated that this amount had been negotiated, and he did not know what the legal ramifications might be. The City Attorney stated that something like this would typically be handled by special counsel through the Risk Management Division.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-15 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Smith.

Commissioner Hutchinson wondered why this had not been brought to the Commission before the work was done. Mr. Sheridan stated that in this case, there had been delays and attempts to expedite the project to avoid further charges related to delays. Commissioner Hutchinson said she had supported the item only reluctantly in order to avoid litigation. Commissioner Katz hoped staff was hearing the message that the Commission wanted better accountability. Mayor Naugle said this was a small part of the original project that had a \$2 million budget that eventually ballooned to \$4 million for the marina. He felt the fact that the original project had gone way over budget was attributable to the prior administration.

**Transfer of General Fund Contingencies and Agreement –  
Florida Department of Transportation (FDOT) – Purchase of  
Surplus Property – State Road 7 and Davie Boulevard ..... (M-18)**

Commissioner Katz inquired about the total budget for this property. Mr. Sheridan replied that staff did not know the whole scope because the public purpose had not yet been defined. He advised that there was pressure from the FDOT, which was being pressured by the community to dispose of the property and allow the City to exercise its first right of refusal. Commissioner Katz asked if there were environmental issues. Mr. Sheridan did not know at this point, but there would be due diligence, and staff would be presenting a Joint Participation Agreement in the future, and an answer to that question would be provided in the first phase before purchase.

Commissioner Hutchinson asked if there was any money left from the City's Parks Bond so the full cost would not have to come from the General Fund. The City Manager replied that there were some monies left, but he did not believe this would be an appropriate use of Parks Bond funds.

Commissioner Moore wanted to acknowledge the \$10,000 contribution from the West Lauderdale Baptist Church. He was happy the community was willing to support this, and he hoped the City Commission would not be "bashful" when it came to providing an entranceway in this location as it had on Federal Highway.

Mayor Naugle thought it was a shame that the FDOT had not donated this land to the City. He recalled this had been the site of Sluggo's Bar, and he thought this was a wonderful opportunity for a nicely landscaped entrance to the City. Commissioner Moore noted that an invitation had been extended to Secretary Chesser, so the matter was not concluded yet.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-18 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Bid 512-8440 – Five-Year Contract for Records Storage Services ..... (Pur. 3)**

Commissioner Moore asked if any local preference points had been given. Mr. Kirk Buffington, Purchasing Manager, replied that current ordinance did not allow any local preference points. Commissioner Moore noted that the recommended company was not located in the City and probably did not have any Fort Lauderdale employees, but another bidder was in Fort Lauderdale and there was only a \$400 difference in the bid prices.

Commissioner Moore wondered about the tax revenues generated by the Fort Lauderdale bidder. Ms. Sue Holmes, Records Manager, had made site visits to both of the bidders, and the second low bidder was located at 6280 Northwest 27<sup>th</sup> Way. She thought the building had at least 50,000 square feet.

*Mr. Sal Dibatista*, Secured Data Storage, estimated his tax bill at about \$40,000. He stated that he had 25 employees, and most of them lived within Fort Lauderdale.

Commissioner Moore felt the contract should be awarded to the second low bidder since it was located in close proximity to the City operation, and the bid difference was very small. Commissioner Smith wondered if the second bidder was willing to match the low bid. Mr. Dibatista said he would. The City Manager stated that the City had to adhere to the Purchasing Code, and he preferred to look into it further before there was any negotiation from the dais.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to defer Item No. Pur. 3 pending a staff report. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Co-Op B-01-15 – Contract for Horticultural Chemicals ..... (Pur. 6)**

Mayor Naugle said he still felt the City was using too many chemicals. Commissioner Smith shared his concern and wondered if he had a particular dollar amount in mind. Mayor Naugle replied that the dollar amount he had in mind was zero. He recalled a suggestion about using hot water to kill weeds along the right-of-way. Mr. Phil Thornburg, Acting Parks & Recreation Director, noted that this contract amount of \$42,000 was down from \$48,000 last year even with the additions to the parks system and medians. He felt this was the minimum, and even the TREC Committee agreed there was no "fluff." Commissioner Smith said he could support a \$35,000 expenditure.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 6 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Katz. NAYS: Commissioner Smith and Mayor Naugle.

**Lien Settlements - Special Master and Code Enforcement Board Cases ..... (M-20)**

A motion authorizing the proposed lien settlements for the following Special Master and Code Enforcement Board cases:

1. CE97051086 – Barbara Ruth Foster, 2580 S.W. 6 Court (\$1,365)
2. CE00060418 – American One, Inc., 3400 S.W. 12 Place (\$4,000)
3. CE99060296 – United Realty Management, Inc., 3670 S.W. 12 Place (\$5,300)
4. CE99031260 – Sandra O'Connor, 2740 S.W. 2 Street (\$2,000)
5. CE98020248 and 9400566 – Coastal Investment Properties, Ltd., 435 North Fort Lauderdale Beach Boulevard (\$10,000)
6. CE98031253 – S. Michael Greep and Catherine B. Greep, 1504 North Andrews Avenue (\$5,440)
7. 9215950 – Andrew Evangelisti, 1332 N.E. 1 Avenue (\$1,000)
8. CE99020745 – Strategic Capital Holdings, Inc., 16 Portside Drive (\$3,000)
9. CE98121156 – Frank D. Aversa and Marjorie J. Aversa, 3424 Davie Boulevard (\$900)
10. CE99100715 – Jerome Jones, 1801 Davie Boulevard (\$1,000)
11. 9307874 – George McKee, 1269 S.W. 24 Avenue (\$1,000)
12. CE97020010 – George McKee, 1307 S.W. 24 Avenue (\$1,250)
13. CE00061493 – Sandra Clayborne, 1205 N.W. 5 Avenue (\$1,500)
14. CE00040914 – Mitchell A. Hyder, Edward A. Hyder, et al, 2528 North Federal Hwy. (\$1,920)
15. CE98100979 – Ronald T. Spann, as Trustee, 1115 N.E. 15 Avenue (\$1,500)
16. CE99090401 – Ronald T. Spann, as Trustee, 1425 N.E. 5 Terrace (\$1,500)
17. CE99030218 – Ronald T. Spann, as Trustee, 736 N.E. 16 Street (\$2,000)

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to approve lien settlements as recommended with the exception of Item 5 (CE98020248 and 9400566). Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

*Mr. Joseph Cook*, Attorney, said his client had acquired the former Days Inn on the beach (Item 5) from Coastal Investment Properties, and there had been a series of violations. Of particular importance to him were the support beams for the balconies, and arrangements with Coastal Investment Properties had required they be fixed and inspected by the City. He stated that it appeared the balconies were not adequately supported and had only been repaired cosmetically. Mr. Cook believed this was an unsafe condition that would cost \$30,000 to make repairs. He requested that any settlement be postponed in the meantime.

*Mr. Joe Isenberg*, Attorney for Coastal Investment Properties, stated that the violations associated with Item 5 involved a sprinkler system and a fire staircase. He believed there was a staff report indicating the extent of cooperation by Coastal Investment Properties and recommending the \$10,000 settlement. He stated that there was a private dispute between the buyer and seller, and he did not think it was appropriate to involve the City in that dispute.

Commissioner Smith wondered why Mr. Cook's client had acquired a property with liens due to violations. Mr. Cook stated that the contractual arrangement required that the violations be corrected and that the City confirm compliance. The City had indicated that the violations were corrected. Commissioner Smith understood that, but there had still be liens attached to the property. Mr. Cook was concerned about the balconies because although the City had said that

violation had been corrected, that was not the case. Mr. Isenberg reported that \$220,000 had been placed in escrow for the liens related to the 2 violations associated with Item 5.

Mr. John Simmons, Community Inspections Bureau, stated that the 2 cases under Item 5 related to Fire Code violations. He advised that there had been another case in which fines had accrued relating to a column that had been plastered over, and the inspectors had caused removal of the plaster and restoration of the column. That, however, was not the issue on the agenda tonight.

Commissioner Smith did not feel the amount should be reduced because the violation had involved a life safety issue. He supported the traditional 15% settlement of \$25,000.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve a settlement of \$25,000 as to lien Item 5.

Commissioner Moore had the impression that the property owner had moved swiftly to bring the property into compliance. Chris Weir, Assistant Fire Marshall, agreed that was correct. He felt the owner had demonstrated due diligence in correcting some very difficult fire violations. In fact, an interpretation had been necessary from the State Fire Marshall with respect to the sprinkler system. There had been a gap, and some fines had accrued, but alternatives had been provided with respect to egress in the meantime.

Commissioner Moore withdrew his second. Commissioner Smith's motion died for lack of a second.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve lien Item 5 (CE98020248 and 9400566) in the amount of \$10,000. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Appeal of Planning and Zoning Board Decision –  
Parking Reduction – William H. Goodwin (PZ Case No. 178-R-00) ..... (M-21)**

At the March 21, 2001 Planning and Zoning Board meeting, the following application failed by a vote of 2-6:

Applicant: William H. Goodwin  
Request: Parking Reduction  
Location: 530 North Federal Highway

Mayor Naugle announced this was an appeal of the Planning & Zoning Board's denial of an application for a parking reduction. He explained that the City Commission would first hold a public hearing to review the record consisting of the matters reviewed by the Board. The City Commission would then determine if there had been a departure from the essential requirements of law in the proceedings or that there was no competent and substantial evidence to support the Board's decision. If neither were found, a motion to uphold the finding of the Board would be considered. In the alternative the Commission would consider a resolution setting a date for a hearing.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to find there was a lack of substantial, competent evidence to support the decision of the Planning & Zoning Board based on a review of the record. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT AN APPEAL OF THE PLANNING AND ZONING BOARD'S ACTION CONCERNING THE APPLICATION FOR A PARKING REDUCTION ON PROPERTY LOCATED AT 530 NORTH FEDERAL HIGHWAY IN FORT LAUDERDALE, FLORIDA, WILL BE CONSIDERED AT A PUBLIC HEARING BEFORE THE CITY COMMISSION AT 6:00 P.M. ON MAY 1, 2001.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Water and Sewer Master Plan (Capital Improvement Plan) ..... (PH-1)**

A public discussion was scheduled to provide the public with a description of the Water and Sewer 20-Year Master Plan (capital improvement plan), and to receive public input on such plan. Notice of the public discussion was published on April 7 and 12, 2001.

Mayor Naugle called for those who wished to be heard. The following appeared:

*Mr. Bill Nielsen*, Budget Advisory Board member, supported the Water and Sewer Master Plan. He stated that there had been some concerns about affordability, but the Board had voted 5 to 3 in favor of the Plan.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend ULDR (Chapter 47) –  
Central Beach and Barrier Island Zoning District -  
Include Garages as Part of Floor Area Ratio (FAR) (PZ Case No. 18-R-99) ..... (PH-2)**

A public hearing was scheduled to consider an ordinance to amend the Unified Land Development Regulations (ULDR) to require garages to be included as part of FAR calculations for nonresidential uses east of the Intracoastal Waterway. Notice of the public hearing was published on March 10, 2001. On March 20, 2001, first reading was deferred to April 17, 2001 by a vote of 5 to 0.

Applicant: City of Fort Lauderdale  
Request: Amend ULDR to require garages to be included as part of FAR calculations for nonresidential uses east of the Intracoastal Waterway.

Mayor Naugle called for those who wished to be heard. The following appeared:

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith asked if Mr. Wren had ever had a chance to examine the figures. He recalled a concern that if garages were included in the FAR, the numbers would not be right. Mr. Wren said it was a judgment call. He stated that every site was different, so the numbers would vary. Mayor Naugle thought that leaving the FAR at 6 might have brought the Jackson Tower project down to a level that would not have been so objectionable. Mr. Wren agreed that was correct. He explained that the Commission had to make a policy decision to either maintain the status quo or reduce the FAR.

Commissioner Smith understood the FAR in the PRD District was currently 6, and he wondered how tall Jackson Towers would have been if the garage had been included in the calculations. Mr. Wren said he could only "guesstimate" that it would have been 20% to 30% shorter. Commissioner Smith said he was satisfied and ready to proceed.

Commissioner Katz said that even though she, too, wanted smaller buildings on the beach. However, she understood that FAR could not be addressed in a vacuum, and other things had to be considered such as setbacks and a combination of other things. She did not think just addressing the FAR would achieve the goal. Rather, it would just "squash down" buildings. Commissioner Katz did not think this alone was the right way to go. Commissioner Smith thought Commissioner Katz was perhaps right, but this was a first step.

Mayor Naugle thought the FAR was a good measurement because it measured the bulk of a building, and sometimes a tall, slender building had less impact than a shorter, wider structure. He believed the FAR measurement encouraged slender buildings, and it might encourage the use of technologies like the mechanical parking systems that were used in other parts of the world.

Commissioner Moore said he was not sold on the mechanical parking idea, but he was concerned about setbacks. He noted that the recent speaker from Miami had addressed many issues in this regard, and the FAR had only been one of them. He understood the ordinance Commissioner Smith supported included garages in the FAR calculation. Commissioner Smith recalled that there had not been a parking issue in Miami, but here parking was required but not included in the calculation. He felt that if this ordinance was passed, the buildings would either be a little shorter or a little less bulky, and that was what everyone wanted at the beach. Commissioner Smith thought it was time to get on with this issue and move forward.

Mayor Naugle referred to minutes from a Jackson Tower discussion when the FAR had been discussed. At the time, the Commission had been told that the building would have been 30% smaller if the garage was included in the FAR calculation. Commissioner Smith recalled requesting the specific Code language. Mayor Naugle felt this ordinance just confirmed what had always been contained in the Code, and not including the garage had been an interpretation of the Code. Commissioner Moore asked Commissioner Smith if he had received the Code language he had requested, and he replied he had not.

Mr. Wren explained that his recollection was that the Code had never contained language indicating that garages should be included in the FAR calculations with the exception of single-family areas. Mayor Naugle pointed out that the Code specifically said that garages would be counted for residential purposes, and Jackson Tower was a residential project. Commissioner Moore understood Mr. Wren felt that pertained to single-family structures. Mayor Naugle pointed out that the Code did not say that.

Ms. Cecelia Hollar, Construction Services Director, explained that the issue was the Code that was in effect at the time Jackson Towers had been approved. She was not sure that the current Code she had with her had been in effect at the time. In addition, when the Beach Code had been adopted in 1988, the old Code had contained a definition of gross floor area that had excluded parking garages. She stated that the FAR was the sum of the gross floor area, and she would research to learn what was applicable to Jackson Tower at the time it was approved. Mayor Naugle recalled that this research had been done before, and staff had not been able to find anything in the Code indicating garages would not be counted.

Commissioner Moore asked Mr. Wren to describe the effect of this ordinance in laymen's terms. Mr. Wren stated that this inclusion of the parking in the FAR would affect 3 zoning districts, and maximum development rights required a process that imposed design guidelines, including heights, densities and view corridors that were compatible with surrounding properties. There were a lot of design guidelines, and the Commission had directed staff to pursue this issue. Mr. Wren said that staff's analysis indicated that the building envelopes, counting garages, would be compatible. He could not say that anything had been reduced, but buildings would have to be consistent with neighboring properties.

Commissioner Smith recalled another discussion about exempting subterranean parking because that did not affect the bulk of the building above grade. The City Attorney believed that had already been covered in the ordinance, but it could be amended for second reading to clarify and verify that information. Commissioner Katz noted that there were parking garages that were half underground and half above ground. Commissioner Smith understood that and was referring only to the area below grade.

Commissioner Hutchinson saw this as a first step in a process, but what bothered her the most was the "loophole" in the Code that allowed developers to operate under an older Code. Mayor Naugle said it was a negotiation. Commissioner Hutchinson understood that, but developers were allowed this opportunity. She thought that if the City wanted to get certain things as far as development was concerned, it should just write the Code that way without opportunities to "go back in time." Mayor Naugle characterized it as "shopping Codes."

The City Attorney clarified that developers were not allowed to do anything. They could ask the Commission and demonstrate how a specific site plan made sense. Only after a long process and approval of the City Commission, which the Commission was not required to grant, could there be exceptions as allowed in the Code. Therefore, it was not something anyone had a right to, but they had the right to ask.



Commissioner Katz was still concerned about unintended consequences. She thought the result would be short, wide buildings. Mayor Naugle thought the result could be taller buildings with greater setbacks. The City Attorney said that either was a possibility. In fact, it was not necessarily true that the Jackson Towers would have been a shorter building if the garage had been included in the FAR. He believed it could still have been 30 stories. Mayor Naugle agreed that was possible, but it would have had greater setbacks. He thought tall, slender buildings could be more attractive than shorter, wide buildings, but Fort Lauderdale had ended up with tall, wide buildings instead.

Commissioner Moore understood this ordinance would help reduce the width of buildings, and height really had nothing to do with the recommendation under consideration this evening.

Commissioner Smith introduced the following ordinance, as amended, on first reading:

ORDINANCE NO. C-01-15

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-2.2, MEASUREMENTS, TO REQUIRE GARAGES TO BE INCLUDED AS PART OF FLOOR AREA RATIO CALCULATIONS FOR NONRESIDENTIAL USES EAST OF THE INTRACOASTAL WATERWAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Development Order (DO) – Coastal Fuels, Inc. – Coastal Fuels Marketing, Inc. - Development of Regional Impact (DRI) (PZ Case No. 28-R-01) ..... (O-1)**

At the Planning and Zoning Board's regular meeting of March 21, 2001, it was recommended by a vote of 6 to 2 that the following application be approved. Ordinance No. C-01-13 was published on February 2 and March 13, 2001, and passed on first reading April 5, 2001 by a vote of 4 to 0.

Applicant:	Coastal Fuels Marketing, Inc.
Request:	Approve DO for Coastal Fuels, Inc. DRI
Location:	A 52-acre site, generally located along the north side of Spangler Boulevard, west of Eisenhower Boulevard, and south of SE 22 Street; and a 13-acre parcel located between SE 22 Street and SE 20 Street.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-13

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE COASTAL FUELS DRI AT PORT EVERGLADES DEVELOPMENT OF REGIONAL IMPACT, WHICH CONSISTS OF APPROXIMATELY 52 ACRES LOCATED GENERALLY NORTH OF SPANGLER BOULEVARD, WEST OF EISENHOWER BOULEVARD AND SOUTH OF SOUTHEAST 20<sup>TH</sup> STREET, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF FORT LAUDERDALE; PROVIDING FOR THE EXPANSION OF EXISTING PETROLEUM STORAGE FACILITIES AS SET FORTH IN THE APPLICATION FOR DEVELOPMENT APPROVAL; PROVIDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT IDENTIFICATION; PROVIDING CONDITIONS AND OBLIGATIONS RELATING TO DEVELOPMENT OF THE COASTAL FUELS DRI AT PORT EVERGLADES; PROVIDING FOR A MASTER PLAN; PROVIDING FOR DESIGNATION OF A RESPONSIBLE CITY OFFICIAL; PROVIDING FOR RECORDATION; PROVIDING FOR COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend Ordinance No. C-96-23 and  
Code Section 2-218 – Staggered Terms and Revised Term Limits  
for Northwest-Progresso-Flagler Heights Redevelopment Advisory Board ..... (O-2)**

An ordinance was presented amending Ordinance No. C-96-23 which established the Northwest-Progresso-Flagler Heights Redevelopment Advisory Board and Code Section 2-218 entitled, "Limitation on Number of Consecutive Terms," to provide for staggered terms for Board members and to expand the time that Board members may serve. Ordinance No. C-01-14 was published on March 26, 2001, and passed on first reading April 5, 2001 by a vote of 4 to 0. Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-14

AN ORDINANCE AMENDING ORDINANCE NO. C-96-23 WHICH ESTABLISHED THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS REDEVELOPMENT ADVISORY BOARD AND SECTION 2-218, LIMITATION ON NUMBER OF CONSECUTIVE TERMS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR STAGGERED TERMS FOR BOARD MEMBERS AND TO EXPAND THE TIME THAT BOARD MEMBERS MAY SERVE.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend Section 2-256 –  
Nuisance Abatement Board – Notice Requirements and  
Legislative Amendments to Florida Statute Section 893.138 ..... (O-3)**

An ordinance was presented amending Section 2-256 of the Code of Ordinances pertaining to the abatement of public nuisances within the City to provide for notice requirements, clarification, and the incorporation of legislative amendments to Section 893.138, Florida Statutes. Notice of the proposed ordinance was published on April 7, 2001.

Commissioner Smith desired a discussion on independent counsel for the Nuisance Abatement Board. He thought someone from the City Attorney's Office could do the job. The City Attorney explained that there would be a conflict if Attorneys from his office represented both the City and the Board in quasi-judicial matters. He stated that recent events had made it apparent that the task had a more difficult task and probably needed independent counsel. The City Attorney said that it was also recommended that the Board's independent counsel be authorized to prosecute closure cases in court in the name of the Board.

Mayor Naugle noted that the Chair of the Board now was an attorney, but he might not always be a member of the Board. The City Attorney said his initial recommendation was to retain the same Attorney who provided independent counsel to the Code Enforcement Board, Mr. Bruce Jolly. Commissioner Moore hoped the City Attorney would make every attempt to achieve some diversity in representing the City during selection of counsel.

Commissioner Moore introduced the following ordinance on first reading:

**ORDINANCE NO. C-01-16**

**AN ORDINANCE AMENDING SECTION 2-256 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERTAINING TO THE ABATEMENT OF PUBLIC NUISANCES WITHIN THE CITY TO PROVIDE FOR NOTICE REQUIREMENTS, CLARIFICATION, AND THE INCORPORATION OF LEGISLATIVE AMENDMENTS TO SECTION 893.138, FLORIDA STATUTES.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend ULDR Sections 47-13 and 47-28 –  
Downtown Regional Activity Center (RAC) Review Process  
and Special Regulations – Provide for Additional Dwelling Units  
and a Process for Approving Dwelling Units in the RAC (PZ Case No. 3-T-01) ..... (O-4)**

An ordinance was presented amending Section 47-28 of the Unified Land Development Regulations (ULDR) of the City, amending Section 47-28.1, "Applicability; Conditions of Section 47-28, Flexibility Rules," and Section 47-13.20, "Downtown RAC Review Process and Special Regulations," to provide for additional dwelling units in the Downtown RAC. Notice of the proposed ordinance was published on April 7, 2001.

Applicant: City of Fort Lauderdale, Office of Community and Comprehensive Planning  
Request: Amend ULDR Sections 47-13 and 47-28 – Downtown RAC Dwelling Units

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-17

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-28.1, APPLICABILITY; CONDITIONS, OF SECTION 47-28, FLEXIBILITY RULES, AND SECTION 47-13.20, DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS, TO PROVIDE FOR ADDITIONAL DWELLING UNITS AND A PROCESS FOR APPROVING DWELLING UNITS IN THE DOWNTOWN REGIONAL ACTIVITY CENTER.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**State Housing Initiatives Partnership (SHIP) Program – Fiscal Years 2001/2002 through 2003/2004 – Local Housing Assistance Plan..... (R-1)**

A resolution was presented adopting the Local Housing Assistance Plan (LHAP) for FY 2001/2002 through 2003/2004 pursuant to the SHIP Program.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE LOCAL HOUSING ASSISTANCE PLAN FOR FISCAL YEARS 2001/2002, 2002/2003 AND 2003/2004, PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Termination of Unity of Title – 300 N.E. 12 Avenue ..... (R-2)**

A resolution was presented authorizing the termination of title associated with 300 N.E. 12 Avenue.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELEASING A UNITY OF TITLE FROM LANDS MORE PARTICULARLY DESCRIBED BELOW.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Advance Notification –**

**Double-Tracking Project - Tri-Rail Bridge over South Fork of the New River ..... (R-3)**

A resolution was presented supporting the construction of a new Tri-Rail bridge over the South Fork of the New River to facilitate the Tri-Rail Double Tracking project.

Mayor Naugle asked if this would increase noise to the neighborhood. Mr. Peter Partington, Public Services Department, replied that had not been examined yet although there was some reference. He stated that more specific comments would be provided during the environmental assessment and more opportunities for public input.

Mayor Naugle hoped it would be made very clear that the height of the bridge would not be reduced under any circumstances. If that meant a drawbridge would be necessary, he felt that would be better than lowering the 55' clearance. Mr. Partington advised that would be included in the resolution, and the language could be strengthened.

Commissioner Hutchinson said she represented the Flamingo Park neighborhood just to the west, which was severely impacted by noise from I-95 and had no sound barrier at all because there was one commercial street in the area. She wanted to be a part of this process as it proceeded because she did not want the same problems from the Tri-Rail as were generated by I-95. Commissioner Hutchinson asked how high the fixed span would be, and Mayor Naugle thought it would be 55'. Mr. Partington agreed it had to be at least as high as the lowest part of the I-95 bridge.

Mayor Naugle thought it would be interesting to know if there would be noise due to raising the track. He expected there would. Commissioner Hutchinson expected a noise study as to impacts on the communities to the west and east. Mr. Partington believed that would be a requirement during the environmental assessment process and agreed to follow up on it.

Commissioner Moore introduced a written resolution entitled:

**RESOLUTION NO. 01-72**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE TRI-COUNTY COMMUTER RAIL AUTHORITY PROJECT TO CONSTRUCT A NEW BRIDGE OVER THE SOUTH FORK OF THE NEW RIVER FACILITATING THE DOUBLE-TRACKING OF THE TRI-RAIL TRACK.**

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Cemeteries Board of Trustees

Henry Scurry

Community Appearance Board

Robert Sanders  
Barbara Ericksen  
(See Resolution)

Education Advisory Board

Kevin Morris

Nuisance Abatement Board

Douglas Reynolds, Alternate

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Cleveland Clinic Facility – State Road A-1-A ..... (OB)**

A resolution was presented urging the North Broward Hospital District to delay the purchase of a parcel adjacent to the Imperial Point Medical Center in order to consider the viability of establishing a medical facility at the Cleveland Clinic facility on State Road A-1-A.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-74

A RESOLUTION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE NORTH BROWARD HOSPITAL DISTRICT TO DELAY THE PURCHASE OF A PARCEL ADJACENT TO THE IMPERIAL POINT MEDICAL CENTER IN ORDER TO CONSIDER THE VIABILITY OF ESTABLISHING A MEDICAL FACILITY AT THE CLEVELAND CLINIC FACILITY ON STATE ROAD A1A.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Development of Significant Impact/IOA – La Rive Condominium - Vincenzo Esposito and Christian D. Wissing (PZ Case No. 123-R-00) ..... (OB)**

At the Planning and Zoning Board regular meeting on December 20, 2000, it was recommended by a vote of 5 to 3 that the following application be approved. On February 6, 2001, the City Commission deferred consideration of this item to March 15, 2001; on March 15, 2001, the City Commission deferred consideration of this item to April 5, 2001 by a vote of 5 to 0.

Applicant: Vincenzo Esposito and Christian D. Wissing  
Request: Approval of development of significant impact/IOA  
Location: La Rive Condominium - 715, 725 Bayshore Drive

Commissioner Hutchinson stated that the community and the developer had agreed to work together further on this project.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to reconsider the project for Development of Significant Impact/IOA – La Rive Condominium - Vincenzo Esposito and Christian D. Wissing (PZ Case No. 123-R-00). Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz and Smith. NAYS: Mayor Naugle.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to reconsider the project for Development of Significant Impact/IOA – La Rive Condominium – Vincenzo Esposito and Christian D. Wissing (PZ Case No. 123-R-00) on May 15, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Ordinance for Waterski Areas** ..... (OB)

Commissioner Hutchinson said she had voted against her conscience on April 5, 2001 with respect to the waterski ordinance, and she wanted to change her vote. The City Attorney explained the Commission did not have a specific policy in this regard, but Robert's Rules of Order provided that such a motion should be made before the end of a meeting at which an item was voted on or, after that, with the permission of the other members of the body. Therefore, a motion to authorize Commissioner Hutchinson to change her vote from "yea" to "nay."

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to permit Commissioner Hutchinson to change her vote on Ordinance No. C-00-12 adopted on second reading on April 5, 2001, from "yea" to "nay." Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 8:20 P.M., Mayor Naugle adjourned the meeting.

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Jim Naugle  
Mayor

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Lucy Masliah  
City Clerk